

## Message Text

CONFIDENTIAL

PAGE 01 STATE 249526 TOSEC 160117

65

ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 CCO-00 /026 R

DRAFTED BY L:GHALDRICH:L/C:FAKWIA TEK:MB

APPROVED BY L:GHALDRICH

EA/PRCM:JSROY

S/S:APSHANKLE

S/S:JCOVEY

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P 210151Z OCT 75 ZFF4

FM SECSTATE WASHDC

TO USDEL SECRETARY PRIORITY

C O N F I D E N T I A L STATE 249526 TOSEC 160117

EXDIS

E.O. 11652: GDS

TAGS: CPRS, EFIN, OVIP (KISSINGER, HENRY A.), CH, US

SUBJECT: US-PRC CLAIMS/ASSETS SETTLEMENT

REFS: SECTO 16069

1. FORMULATIONS SUGGESTED REFTEL ARE TROUBLESOME IN THAT THEY LEAVE IT IN DOUBT WHETHER U.S. OR PRC LAWS AND REGULATIONS GOVERN IN EVENT OF CONFLICT BETWEEN THEM. WE MUST ENSURE THAT CLAIMS TO ASSETS TO BE ASSIGNED TO USG ARE DEFINED BY U.S. LAWS AND REGULATIONS.

2. IF REFERENCE TO U.S. LAWS AND REGULATIONS APPEARS IN FOURTH PARAGRAPH OF U.S. LETTER OF AGREEMENT, AS WE PREFER, THEN INNOCUOUS REFERENCE TO PRC LAWS AND REGULATIONS COULD BE ADDED, FOR BALANCE, IN SECOND PARAGRAPH OF LETTER. THIS WOULD CORRESPOND PRECISELY TO REFERENCE TO U.S. LAWS AND REGULATIONS IN PARAGRAPH 4 AND WOULD READ AS FOLLOWS: QUOTE TO THIS END, THE GOVERNMENT OF THE UNITED STATES, ACTING FOR AND IN BEHALF OF ITS NATIONALS, CONFIDENTIAL

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HEREBY RENOUNCES ALL RIGHTS, TITLE AND INTEREST IN

PROPERTIES AND ASSETS LOCATED IN THE PEOPLE'S REPUBLIC OF CHINA, IN WHICH UNITED STATES NATIONALS HAVE A CLAIM OR INTEREST THEREIN UNDER PERTINENT LAWS AND REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA, AND ASSIGNS ALL CLAIMS RELATING TO SUCH PROPERTIES AND ASSETS TO THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA. END QUOTE

3. IF REFERENCE TO U.S. LAWS AND REGULATIONS IN BASIC LETTER OF AGREEMENT IS UNACCEPTABLE, THEN SIDE LETTERS ARE NECESSARY. IN THAT EVENT, U.S. LETTER COULD BE REPHRASED TO INCLUDE BALANCING REFERENCE TO PRC LAWS AND REGULATIONS. IT WOULD READ AS FOLLOWS: QUOTE WITH REFERENCE TO THE EXCHANGE OF LETTERS BETWEEN OUR RESPECTIVE GOVERNMENTS REGARDING THE CLAIMS SETTLEMENT CONCLUDED ON THIS DATE, THE UNITED STATES GOVERNMENT UNDERSTANDS THAT, FOR THE LIMITED PURPOSES OF THIS AGREEMENT, THE CLAIMS TO PROPERTIES AND ASSETS TO BE ASSIGNED BY THE UNITED STATES TO THE PEOPLE'S REPUBLIC OF CHINA SHALL BE DEFINED BY PERTINENT LAWS AND REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA AND THE CLAIMS TO PROPERTIES AND ASSETS TO BE ASSIGNED BY THE PEOPLE'S REPUBLIC OF CHINA TO THE UNITED STATES SHALL BE DEFINED BY PERTINENT LAWS AND REGULATIONS OF THE UNITED STATES. END QUOTE INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TOSEC, NATIONALIZATION, COMPENSATION, PROPERTY WAR CLAIMS  
**Control Number:** n/a  
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**Draft Date:** 21 OCT 1975  
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**TAGS:** CPRS, EFIN, OVIP, CH, US, (KISSINGER, HENRY A)  
**To:** SECRETARY  
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